

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**DHI GROUP, INC. F/K/A DICE HOLDINGS, INC. AND RIGZONE.COM, INC., Plaintiffs,**

vs.

**DAVID W. KENT, JR., SINGLE INTEGRATED OPERATIONS PORTAL, INC. D/B/A OILPRO AND OILPRO.COM, ESTEVAN DUFRIN, MATTHEW KENT, BRYAN ROBINS, JEREMY ANTONINI, AND JOHN DOE NOS. 1-10, Defendants.**

Case No. 4:16-cv-01670

## **JURY TRIAL DEMANDED**

**DEFENDANT JEREMY ANTONINI'S ORIGINAL ANSWER TO PLAINTIFFS' ORIGINAL COMPLAINT AND COUNTER-CLAIMS AGAINST PLAINTIFFS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant JEREMY ANTONINI (“Antonini”), and files this his Original Answer to Plaintiffs’ Original Complaint and Counter-Claims Against Plaintiffs, in the above-numbered and styled case. Paragraphs No. 1 through and including 265 correspond to the same paragraph numbers in Plaintiffs’ Original Complaint.

## **I. Nature and Summary of Complaint**

1. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
  2. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

denied.

3. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
4. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

## **II. Parties**

5. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
6. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
7. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
8. Antonio admits that Defendant Single Integrated Operations, Inc. d/b/a Oilpro and Oilpro.com is a Texas corporation with its principal place of business in Houston, Harris County, Texas. As to the remaining allegations in this paragraph, Antonini lacks knowledge or information sufficient to form a belief about the truth of such allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
9. Antonini lacks knowledge or information sufficient to form a belief about the truth of the

allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

10. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
11. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
12. Antonini admits the allegations in this paragraph to the extent that he at one time resided at the address stated herein.
13. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied. Further, Antonini denies that he took any actions in his individual capacity.
14. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

### **III. Jurisdiction and Venue**

#### **A. Jurisdiction**

15. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
16. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively

denied.

17. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
18. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**B. Venue**

19. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**IV. Facts**

**A. History and Sale of Rigzone**

20. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
21. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
22. Antonini admits the allegations in this paragraph.
23. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

24. Antonini admits the allegations in this paragraph as they relate to Rigzone providing an online platform specific to professionals in the energy industry. Antonini lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
25. Antonini admits the allegations in this paragraph.
26. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
27. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
28. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
29. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied. Antonini denies that Plaintiffs invested substantial time and access in securing access to its computer systems and member information, and accordingly Antonini denies the allegations in this paragraph.
30. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
31. Antonini lacks knowledge or information sufficient to form a belief about the truth of the

allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

32. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**B. Formation of Oilpro**

33. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

34. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

35. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

36. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

37. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

38. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively

denied.

39. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
40. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
41. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
42. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
43. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
44. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
45. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
46. Antonini lacks knowledge or information sufficient to form a belief about the truth of the

allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

47. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

48. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied. Antonini specifically denies a number of allegations in this paragraph, namely that he was hired as chief of technology (he was hired as Vice President of Product Development), that Robins was Vice President of Technology (he never filled this role), that he was the most familiar with the code for Rigzone.com (as he had been away for more than a year's time from Rigzone.com), and that Antonini assisted, supported or otherwise participated with any person in any illegal and tortious conduct.

49. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied. Antonini further denies that he has (or ever had) an ownership stake in Oilpro.

50. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

51. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

52. Antonini lacks knowledge or information sufficient to form a belief about the truth of the

allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

53. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

54. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

55. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**C. Unauthorized Access to Plaintiffs' confidential and proprietary information.**

**The First Round of Hacks**

56. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

57. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

58. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

59. Antonini lacks knowledge or information sufficient to form a belief about the truth of the

allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

60. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

61. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

62. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

63. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

64. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

65. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

66. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

67. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
68. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
69. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
70. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
71. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
72. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
73. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
74. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

denied.

**The Google Analytics Hacks**

75. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
76. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
77. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
78. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
79. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
80. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
81. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**The Second Round of Hacks**

82. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
83. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
84. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
85. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
86. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
87. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
88. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
89. Antonini lacks knowledge or information sufficient to form a belief about the truth of the

allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

90. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

91. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

92. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

93. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**David Kent's Sales Pitch to DHI Group and the Attempted Third Hack**

94. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

95. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

96. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively

denied.

97. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

98. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

99. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

100. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

101. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

102. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

#### **D. Effect of Hacks on Oilpro Membership**

103. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

104. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

105. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

106. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

107. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

108. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

#### **E. The Racketeering Enterprise**

109. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

110. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

111. Antonini lacks knowledge or information sufficient to form a belief about the truth of the

allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

112. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

113. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

114. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

115. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

116. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**F. Criminal complaint filed against David Kent**

117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

**V. Claims for Relief**

**COUNT I – VIOLATION OF THE COMPUTER FRAUD AND ABUSE ACT  
(18 U.S.C. §§1030(A)(2)(C)&(G))**

**(Against Defendants David Kent, Dufrin and Oilpro)**

118. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
119. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
120. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
121. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
122. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
123. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
124. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

125. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

126. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**COUNT II – VIOLATION OF THE COMPUTER FRAUD AND ABUSE ACT**  
**(18 U.S.C. §§ 1030(A)(4) & (G))**  
**(Against Defendants David Kent, Dufrin, Oilpro)**

127. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

128. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

129. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

130. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

131. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively

denied.

132. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

133. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

134. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

135. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

136. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**COUNT III – VIOLATION OF THE COMPUTER FRAUD AND ABUSE ACT  
(18 U.S.C. §1030(A)(5)(A) & (G))  
(Against Defendants David Kent, Dufrin and Oilpro)**

137. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

138. Antonini lacks knowledge or information sufficient to form a belief about the truth of the

allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

139. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

140. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

141. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

142. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

143. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**COUNT IV – VIOLATION OF THE STORED WIRE AND ELECTRONIC  
COMMUNICATIONS AND TRANSACTIONAL RECORDS ACCESS ACT  
(18 U.S.C. §§ 2701(A)(1) & 2707)  
Against Defendants David Kent, Dufrin and Oilpro)**

144. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

145. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

146. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

147. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

148. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

149. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

150. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

151. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

152. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively

denied.

153. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

154. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**COUNT V – VIOLATION OF RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (18 U.S.C. §1962(A))—INVESTMENT OF INCOME FROM RACKETEERING ACTIVITY  
(Against Defendants David Kent and Dufrin)**

155. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

156. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

157. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

158. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

159. Antonini lacks knowledge or information sufficient to form a belief about the truth of the

allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**COUNT VI – VIOLATION OF RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (18 U.S.C. § 1962(C))—CONDUCT OF OR PARTICIPATION IN THE AFFAIRS OF AN ENTERPRISE THROUGH A PATTERN OF RACKETEERING ACTIVITY  
(Against Defendants David Kent and Dufrin)**

160. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

161. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

162. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

163. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

164. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**COUNT VII – VIOLATION OF RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (18 U.S.C. § 1962(D))—CONSPIRACY TO VIOLATE RICO §§ 1962(A), (B), AND (C)  
(Against Defendants David Kent and Dufrin)**

165. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

166. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

167. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

168. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

169. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**COUNT VIII – VIOLATION OF TEXAS UNIFORM TRADE SECRETS ACT (TEX. CIV. PRAC. & REM. CODE §§ 134A.001 ET. SEQ.)  
(Against Defendants David Kent, Dufrin, and Oilpro)**

170. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

171. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively

denied.

172. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

173. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

174. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

175. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

176. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

177. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

178. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

179. Antonini lacks knowledge or information sufficient to form a belief about the truth of the

allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

180. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**COUNT IX – MISAPPROPRIATION OF CONFIDENTIAL INFORMATION  
(COMMON LAW)**  
**(Against Defendants David Kent, Dufrin, and Oilpro)**

181. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

182. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

183. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

184. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

185. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

186. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

187. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

188. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

189. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

190. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**COUNT X – VIOLATION OF THE TEXAS HARMFUL ACCESS BY COMPUTER ACT  
(Against Defendants David Kent, Dufrin, and Oilpro)**

191. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

192. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively

denied.

193. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

194. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

195. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

196. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**COUNT XI – VIOLATION OF THE TEXAS THEFT LIABILITY ACT (TEX. CIV.  
PRAC. & REM. CODE §§ 134.001 ET. SEQ.)  
(Against Defendants David Kent, Dufrin, and Oilpro)**

197. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

198. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

199. Antonini lacks knowledge or information sufficient to form a belief about the truth of the

allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

200. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

201. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

202. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

203. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**COUNT XII – CONVERSION  
(Against Defendants David Kent, Dufrin, and Oilpro)**

204. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

205. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

206. Antonini lacks knowledge or information sufficient to form a belief about the truth of the

allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

207. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**COUNT XIII – TRESPASS TO CHATTELS**  
**(Against Defendants David Kent, Dufrin, and Oilpro)**

208. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

209. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

210. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

211. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**COUNT XIV – FRAUD**  
**(Against Defendant David Kent)**

212. This paragraph incorporates by reference the preceding paragraphs 1 through 117.

Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

213. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

214. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

215. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**COUNT XV – BREACH OF FIDUCIARY DUTIES**  
**(Against Defendant David Kent)**

216. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

217. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

218. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

219. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

220. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

221. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

222. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

223. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

224. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

225. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

226. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively

denied.

**COUNT XVI – UNFAIR COMPETITION  
(Against Defendants David Kent, Dufrin, and Oilpro)**

227. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
228. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
229. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
230. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
231. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
232. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.
233. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively

denied.

**COUNT XVII – TORTIOUS INTERFERENCE WITH PRESENT AND  
PROSPECTIVE BUSINESS RELATIONSHIPS  
(Against Defendants David Kent, Dufrin, and Oilpro)**

234. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

235. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

236. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

237. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

238. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

239. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

240. Antonini lacks knowledge or information sufficient to form a belief about the truth of the

allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

241. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**COUNT XVIII – CIVIL CONSPIRACY  
(Against All Defendants)**

242. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

243. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

244. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

245. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

246. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

247. Antonini lacks knowledge or information sufficient to form a belief about the truth of the

allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

248. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

249. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**COUNT XIX– AIDING AND ABETTING  
(Against All Defendants)**

250. This paragraph incorporates by reference the preceding paragraphs 1 through 117. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

251. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

252. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

253. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

254. Antonini lacks knowledge or information sufficient to form a belief about the truth of the

allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

**VI. APPLICATION FOR PRELIMINARY INJUNCTIVE RELIEF AND PERMANENT INJUNCTIVE RELIEF**

255. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

256. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

257. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

258. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

259. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

260. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

261. Antonini lacks knowledge or information sufficient to form a belief about the truth of the

allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

262. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

263. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

264. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

## **VII. ATTORNEYS' FEES**

265. Antonini lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and accordingly such allegations are therefore effectively denied.

## **VIII. AFFIRMATIVE DEFENSES**

266. Antonini asserts the affirmative defense of proportionate responsibility and contribution. Plaintiffs' own acts or omissions caused or contributed to their injury, not any action or omission by Antonini.

267. Antonini affirmatively pleads the defense of failure to mitigate damages. Plaintiffs failed to mitigate their damages.

268. Antonini affirmatively pleads the defense of waiver. Waiver is the intentional relinquishment of a known right. To the extent Plaintiffs bring claims against Antonini based

on alleged conduct or inaction to which Plaintiffs previously consented, Plaintiffs have waived such claims.

269. The following assertions of avoidance or defense may or may not be considered affirmative defenses. In any case, the following assertions of avoidance do not alter the fact that Plaintiffs have the burden of proof with regard to establishing all of the causes of action brought in their Original Complaint, and Antonini does not waive or assume a burden of proof or persuasion on any defense. These avoidances or defenses are in the alternative, and as a supplement to the other provisions of this answer.

270. Antonini affirmatively pleads that he did not have any involvement with the other Defendants in the manner described in the Original Complaint.

271. Defendant states that the imposition of punitive damages against him in this case would be fundamentally unfair and would violate the Constitution of the United States and the Constitution of the State of Texas in the following respects:

- (a) That Plaintiffs' prayer for punitive damages seeks an unconstitutional remedy by seeking to impose an excessive fine within the meaning of the excessive fines clause of the Eighth Amendment to the Constitution of the United States.
- (b) That Plaintiffs' prayer for punitive damages seeks an unconstitutional remedy by seeking to impose an excessive fine with the meaning of the excessive fine clause of Article 1, sections 13 and 19 of the Constitution of the State of Texas.
- (c) That the assessment of punitive damages would be to allow a remedy that is essentially criminal in nature but absent safeguard other than those afforded by the Federal Rules of Civil Procedure and law, thereby constituting infliction of a criminal penalty without safeguards guaranteed by the Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States, and without safeguards guaranteed by the Constitution of the State of Texas in Article 1, sections 10-19.
- (d) That Plaintiffs' prayer for punitive damages seeks an unconstitutional remedy in terms of size and obstructs the exercise of Defendants' right of access to the Courts in violation of the Due Process and Contracts clauses of the United States Constitution as applied at both state and federal levels.

(e) That as due process requires proof of gross negligence and punitive damages by a standard greater than "preponderance of the evidence," Plaintiffs be required to prove such claims beyond a reasonable doubt under the Sixth Amendment to the United States Constitution, or, in the alternative, by a clear and convincing standard of proof.

(f) That assessing punitive damages would violate the double jeopardy protection afforded a Defendant under both state and federal law.

272. Defendant Antonini affirmatively pleads that Plaintiffs have no standing to sue Defendant because any injury in fact to Plaintiff has not been caused by Defendant.

273. Defendant Antonini affirmatively pleads the defense of laches. Plaintiffs have been unreasonably dilatory and/or negligent in pursuing their rights or claims, if any.

274. Defendant affirmatively pleads the defense of release. Plaintiffs have released Defendant of the claims Plaintiffs now assert.

275. Defendant Antonini affirmatively pleads the defense of limitations. Plaintiffs did not institute this action within 2 years after they discovered or had a reasonable opportunity to discover any alleged violation pursuant to 18 U.S.C. Section 2707(f). Further, Plaintiffs did not institute this action within 4 years of their claimed injury to establish a violation under 18 U.S.C. Section 1962. Further, Plaintiffs failed to institute this case within 3 years of the date any alleged misappropriate was discovered under Texas Civil Practices & Remedies Code Section 16.010(a). Moreover, Plaintiffs failed to institute this case within 2 years of the date the alleged theft occurred pursuant to Texas Civil Practices & Remedies Code Section 16.003(a).

276. A civil conspiracy is composed of two or more persons combining to accomplish an unlawful purpose or to accomplish a lawful purpose by unlawful means. *Massey v. Armco Steel Co.*, 652 S.W.2d 932, 934 (Tex.1983). The elements of a cause of action for civil conspiracy in Texas are (1) two or more persons; (2) an object to be accomplished; (3) a

meeting of the minds on the object or course of action; (4) one or more unlawful, overt acts; and (5) damages as the proximate result. *Juhl v. Airington*, 936 S.W.2d 640, 644 (Tex.1990); *Tri v. J.T.T.*, 162 S.W.3d 552, 556 (Tex. 2005). To impose liability on a defendant for civil conspiracy to defraud, plaintiff must establish (1) that there was such a conspiracy and (2) that the particular defendant agreed with one or more of the conspirators about the claimed illegal object of the conspiracy and intended to have it brought about. The “meeting of the minds” element is to accomplish an unlawful purpose or to accomplish a lawful purpose by unlawful means. There must be a preconceived plan and unity of design and purpose. Additionally, there must be an agreement or understanding between the conspirators to inflict a wrong against, or injury on, another, a meeting of the minds on the object or course of action, and some mutual mental action coupled with an intent to commit the act which results in injury. It is well-settled that one without knowledge of a conspiratorial plan or scheme to injure another by the commission of a particular wrong cannot share the intent to injure such other.

277. Antonini affirmatively pleads that there was never any meeting of minds involving Antonini on an object or course of action that involved one or more unlawful overt acts. Further, Antonini pleads that two or more persons that involved Antonini never sought to accomplish any specific object that injured Plaintiffs. Antonini pleads that he had no knowledge of any conspiratorial plan or scheme to injure Plaintiffs at all.

278. The crime of aiding and abetting occurs where the defendant in sort associates himself with a venture and participated in it as something that he wishes to bring about, and seeks by his actions to make it succeed. There must be a “community of unlawful intent” between the aider and abettor and the principal. Merely being present at a crime is not evidence of guilt

as an aider and abettor. Here, Defendant Antonini denies that he associated himself with any venture or participated in any unlawful act. There is no evidence that he sought by his actions to make any unlawful act succeed at any time.

279. Defendant further asserts that Plaintiffs have sued this Defendant in an improper venue since this Defendant does not reside within the territorial district of the Southern District Court of Texas. FED. R. CIV. P. 12(b)(3); 28 U.S.C. §1404(a).

280. Defendant further asserts that Plaintiffs have made vague and ambiguous claims against this Defendant. FED. R. CIV. P. 12(e).

281. Defendant further asserts to Plaintiffs have failed to state a claim upon which relief can be granted. FED. R. CIV. P. 12(b)(6).

**IX. COUNTER-CLAIMS BY DEFENDANT ANTONINI AGAINST PLAINTIFFS: ATTORNEY'S FEES**

282. Pursuant to Texas Civil Practices and Remedies Code Section 134.005(b), Defendant Antonini hereby seeks to recover all of his reasonable and necessary attorney's fees and court costs in defending against Plaintiffs' claims under the Texas Theft Liability Act.

283. Pursuant to Texas Civil Practices and Remedies Code Section 134A.005(1)-(2), Defendant Antonini seeks recovery of his reasonable attorney's fees as stated therein upon showing that Plaintiffs' misappropriation claims are made in bad faith or should Plaintiffs resist a motion to terminate the injunctive relief sought in bad faith.

284. Defendant seeks to recover all of his reasonable and necessary attorney's fees where permitted under any federal statute as alleged by Plaintiffs.

**X. JURY DEMAND**

285. Antonini demands a jury trial on all issues pursuant to Rules 38 and 39 of the Federal

Rules of Civil Procedure.

**XI. RESERVATION OF RIGHTS**

286. Antonini reserves the right to raise any additional defenses, affirmative defenses, and avoidances that may arise after discovery is conducted.

**XII. PRAYER**

287. Antonini denies all claims and requests for relief and allegations made in the prayer of Plaintiffs' Original Complaint, demand a trial by jury, request that the Plaintiffs' Original Complaint be dismissed, request a take-nothing judgment against the Plaintiffs and in favor of Jeremy Antonini, award his attorneys' fees and court costs, and grant such other relief to which he is entitled.

Respectfully submitted,

**EDWARDS SUTARWALLA PLLC**



By: \_\_\_\_\_

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**ATTORNEYS FOR DEFENDANT**  
**JEREMY ANTONINI**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of *Defendant Jeremy Antonini's Original Answer to Plaintiffs' Original Complaint And Counter-Claims Against Plaintiffs*, was served electronically on those persons who receive electronic notification from the Court, and by email and/or facsimile to Plaintiffs' counsel, as indicated below pursuant to the Federal Rules of Civil Procedure, on this, the 7th day of July, 2016:

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